

Connecticut Department of Environmental Protection  
Release Reporting Advisory Committee  
March 11, 2008  
Summary of Meeting Notes

**Agenda Item 1: Opening Comments:**

Co-Chairs Mark DeCaprio and Carol Violette opened the meeting.

As there were new members present, Committee members introduced themselves.

Co-Chair Mark DeCaprio presented a PowerPoint presentation on the number of releases in Connecticut and stated that the slides would be available on the Release Reporting Advisory Committee website. Discussion followed.

- Number of DEP reported incidents v. total number of reported petroleum product releases
- Petroleum vs. other types of spills reported
- Names used while reporting petroleum product spills to DEP
- DEP equipment to respond to spills (response trailers, Geoprobe etc.)
- Many types of causes reported
- Photos: Typical release sources

Mr. DeCaprio noted:

- Callers reporting a spill may often have erroneous information
- Current spill response database is limited and a challenge to work with
- A new spill response database is currently under construction

A question arose regarding data compilation for the Committee on the number of petroleum releases by amount released. Mr. DeCaprio explained manual data gathering is currently ongoing.

A question arose regarding DEP and electronic filing. Mr. DeCaprio stated that we do not receive electronic filing of release reports at this time. DEP does occasionally receive emails regarding complaints, usually anonymously.

A question arose regarding the definition of “*closed*” as reported on an internal release report. Mr. DeCaprio stated that the new database would hopefully resolve this issue.

A question arose regarding the number of telephone calls, not associated with underground storage tanks, that are followed up upon and release reporting requirements.

- Currently DEP does not require follow up reports for non-UST releases.
- DEP physically responds to 20-30% of the reported releases
- Callers may be referred to staff persons for guidance, however, that information is not captured.

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- Responsible parties might choose to voluntarily send in reports, which are not captured electronically but filed in the public file room.
- Mr. DeCaprio recommended that the release reporting process needs to be clarified by the committee.

A question arose regarding DEP criteria when responding to a call.

- Calls are routed through dispatch, which compares the information to established criteria.
- Calls may be forwarded to a supervisor who compares it to established criteria and makes a judgment call.
- DEP has made improvements to standardizing criteria in the Dispatch Center.

A gentleman suggested using a short electronic form for reporting spills. If all information was not available or contamination was above a certain threshold, a follow up report, to update the information, may be required.

- Peter Zack announced that the historic release workgroup has been discussing similar issues when discussing active vs. historic spills.
- Mr. Silvestri commented that no one in the consulting field seems to know that the release reports (discussed previously) are no longer required and asked why DEP stopped requiring the reports.
  - Due to statutory changes the report requirement was eliminated.
  - Discussed uncertainty factor from both industry and DEP perspectives.
- Mr. Silvestri commented that industry would like a form to represent closure.
  - Peter Zack announced that the Closure Workgroup has been discussing what exactly is meant by “closed”.

## **Agenda Item 2: Workgroup Reports:**

### **Risk Assessment Workgroup Status Report**

Lori Saliby discussed the use of default triggers, such as quantity or scenarios, for reporting the majority of releases and having exceptions for things that fall outside of the majority of reporting/high risk sites.

### **Simplicity Workgroup Status Report**

Lori Saliby discussed how the Simplicity Workgroup viewed both the 1994 draft regulations and the Mass Contingency Plan (MCP).

- The Simplicity group favored the 1994 draft regulations approach as they felt it was simpler and more workable.
- Default vs. long list concept.
- 1994 draft regulations were quantity and concentration based –a person had to report unless there was an exception.
- Discussed inviting MCP experts to talk to the Workgroup / Committee.

The Simplicity Workgroup discussed a triage system.

- All DEP reports would go to one central location.
- Self-Triage system with a list of 4-5 questions to be asked.
- Reduce the volume of calls by limiting the small incidents reported.

### **Closure Workgroup Status Report**

The Closure Workgroup met twice since the last Committee meeting. The Closure workgroup discussed points that need to be investigated further.

- What is the definition of closure?
- Small spills not reported to DEP, below threshold levels, still need to be cleaned up. Discuss general permit/ self-certification possibilities?
- Spills reported to DEP but no response occurs, discuss self-certification possibilities
- Large spills that DEP responds to, opportunity to do voluntary cleanup.
- LEPs could certify that the cleanup was done properly.
- Discussion rose regarding do LEPs have the authority to do so.
- Cleanup of release vs. cleanup of site.

A discussion arose regarding input from the banking industry and closure documentation.

- Discussed emergency abated letters, possibly written by LEPs.
- Currently when a release is marked closed DEP does not respond.
- If cleaning up release on a voluntary basis, LEPs verify information and when cleanup completed sign off.
- The changes to the voluntary program discussed relate to the cleanup of releases not the cleanup of sites.
- The voluntary option is a mechanism when someone needs verification that a release has been cleaned up to a certain standard.
- The Committee has reached out to the LEP board and banking and insurance industries for their input but has not received a response.

Mr. Silvestri stated that industry does not want to hire LEPs for tiny spills; and that companies want voluntary options not mandatory requirements.

- Small releases tie into potential exceptions, and industry would not be forced to hire a LEP for small releases.
- Industry would self-certify how they responded to and cleaned up the release.

A question regarding RSR's not applying to non-establishments and what applicable standards would be used?

- Peter Zack commented that the 94 draft regulations requires cleanup to the satisfaction of the Commissioner, which would pull in applicability to RSR's.

A question regarding DEP formal sign off once an emergency response is completed, relating to the 20-30% of releases DEP responds to.

- Peter Zack discussed current reporting and referral processes.
- Matt Williamson stated that if release is no response no further action required. If a site is responded to, an inspectors report is generated and the site may be referred.

Industry representatives commented that they would like a form or certification for a formal sign off procedure, rather than searching for information through a variety of reports. A record notation may say that the release was referred to another program. If the program did not get involved, no more data is generated.

Matt Williamson stated that it is difficult to refer spill as programs referred to do not always make them a priority. Due to case loads, or if the site is not program specific and falls outside any specific program criteria, the spill may not be followed up upon. Peter Zack further explained it is the program referred to choice to follow up.

The suggestion to add to the spills database a no further action check box

### **Historic Workgroup Status Report**

Historic releases definitions differ. The workgroup discussed environmental contamination discovered (soil, water, vapor) from an unknown source, an unobserved release, when release date is unknown, the extent and degree are unknown or not characterized, and contamination is above release detection standards.

The workgroup discussed the benefits and burdens of historical release reporting.

- Stigma of historical release reporting;
- Some historical release requirements may be covered by other programs/statutes;
- If a pre-existing condition is encountered that there may be a possible exception from reporting if the site is in another DEP program
- Bill in current legislative session under which a residential property seller would be required to indicate to the buyer of the property, all property within 300 feet of the site that have had past releases so that the buyer is aware of risk;
- Need a process and some type of closure for historical releases;
- The regulated community and DEP have a different opinion on current rules regarding reporting historical releases; and
- Seepage/filtration discharge reportable when discovered.

### **Agenda item 3: Calling of Workgroup Written Recommendations – Timeline Announcement:**

Co-Chair Carol Violette stated that it appeared that the majority favored using the draft 1994 regulations as a framework for going forward and that at the next meeting we should have defined pre-existing conditions, exceptions, closure, and threshold use.

- Workgroups recommendations are due at the next Committee meeting.
- Workgroups meeting dates will continue to be posted on the DEP website.
- Committee trying to keep the original scheduled timeline.

Co-Chair Carol Violette stated at the first meeting the Committee had discussed 8-9 issues they wished to explore. She asked if anyone feel that they had missed an item, wished to have additional items to add to the agenda, or if there were any new workgroups that members felt should be formed.

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Peter Zack stated that reporting formats might be a possible workgroup.

Mr. Silvestri suggested discussing general permit for cleanup of small spills, if certain guidelines followed.

Peter Zack stated that the Closure Workgroup would include this topic when they meet.

**Agenda Item 4: Open Discussion**

Anyone who cannot attend the meetings and has any ideas or comments they would like to include should email Peter Zack or the Release Reporting Advisory Committee.

**Agenda Item 5: Adjournment**

The meeting was adjourned at 11:12 am.

The next Advisory Committee meeting is scheduled for April 8, 2008 - Tuesday at 9:30am in the Russell Hearing Room.